

REMARKS

In the Office Action, dated September 22, 2003, the Examiner states that Claims 1-20 are pending and Claims 1-20 are rejected. By the present Amendment, Applicant amends the claims.

In the Office Action, Claims 1-20 are rejected under 35 U.S.C. §112, second paragraph as being indefinite. The Applicant has amended the claims in accordance with the Examiner's suggestions to remove the indefiniteness. The Applicant has further amended the claims to clarify each feature of the device.

In the Office Action, Claims 1-3, 6, 7 and 9 are rejected under 35 U.S.C. §102(b) as anticipated by Krueger (US 2,682,907). The Applicant respectfully disagrees with this rejection.

Krueger discloses a device having an annular belt and first and second flexible side portions. Both side portions are tightened against the wheel by an elastic member. This allows the device to be affixed to the wheel by passing either of the first or second side portions over the wheel to the inside. However, while the elastic members on both sides of the device allow for easier installation from either side of the device, the unforeseen problem occurs in that the device is easily and inadvertently removed from the wheel during cornering maneuvers in the vehicle. This is especially true when the Krueger device is affixed to the front wheels of front-wheel drive cars. The elastic on either side allows the wheel to creep along over the side portions given any substantial amount of lateral force between the wheels and the road surface when the wheels are in motion. This results in the wheels actually driving out of the Krueger device. When this happens the Krueger device is either lost to the outside of the wheel, or worse yet retained on the axle of the vehicle to the inside of the wheel where brake components may be damaged.

In contrast, Claim 1 of the present invention claims an outer side portion, without an elastic member, which restricts the movement of the device to the inside of the wheel. The claimed outer side portion is not disclosed by Krueger. Therefore, the rejection under §102(b) is overcome.

In the Office Action, Claims 1-4 and 6-9 are rejected under 35 U.S.C. §103(a) as unpatentable over Krueger in view of Wollheim (US 1,910,416) or JP 1-249503. The Applicant respectfully disagrees with this rejection.

As discussed above, Krueger does not disclose the claimed outer side portion. Wollheim discloses a tire cover which wraps around the outer side of the wheel, over the outer circumference, to the inner side of the wheel where an elastic member tightens the cover along the inner side of the wheel. The tire cover along the outer side and outer circumference is a single piece of material. There is not described a separate belt portion.

The separate belt portion and outer side portion connected together are critical to the operation of the claimed device. The belt portion and outer side portion together form an edge therebetween. The outer side portion with this edge prevents the before described creeping of the device to both the inside and the outside of the wheel. Furthermore, it is believed that these elements help to stabilize the device dynamically during rotation and advancement of the wheel along the road.

The tire cover of Wollheim is not designed to be driven upon. However, if that tire cover was driven upon the tire would tend to creep out of the cover due to the single material construction between the outer circumference and outer side portions of that cover.

JP 1-249503 discloses a tire anti-slip band having flanges on each side of the band to prevent the band from falling off tire. However, these flanges are necessarily elastic to allow for the band to be fitted on the tire. Thus, JP 1-249503 is essentially the same as Krueger.

None of these references either alone or in combination disclose, teach or suggest all the features of present Claim 1. None of the references identify the problem of wheel creep during cornering, or the solution achieved by the claimed separate outer side portion which prevents the entire device from passing over the inner side surface of the wheel. The Applicant considers the rejection to Claim 1 and all the claims dependent thereon overcome.

4

In the Office Action, dependent Claims 5 and 10-19 are rejected under 35 U.S.C. §103(a). The Applicant considers these rejections overcome in view of the above response with respect to independent Claim 1.

In the Office Action, independent method Claim 20 is rejected under 35 U.S.C. §103(a) as unpatentable over Krueger in view of Wollheim or JP 1-249503, and further in view of Asano (WO 86/00579) and Bowler (US 3,007,506). Claim 20 includes the step of providing the device described in Claim 1. The Applicant thus considers the rejection overcome in view of the above response with respect to Claim 1.

In light of the foregoing response, all the outstanding objections and rejections have been overcome. Applicant respectfully submits that this application should now be in better condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,

January 21, 2004
Date


Attorney for Applicant
Brian W. Hameder
c/o Ladas & Parry
224 South Michigan Avenue
Chicago, Illinois 60604
(312) 427-1300
Reg. No. 45613